

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

HONORIO QUIROZ,) CV F 03-5181 AWI SMS
Plaintiff,) ORDER REGARDING MOTION
v.) TO DISQUALIFY
ERNEST J. LICALSI, and COUNTY OF) ORDER VACATING SEPTEMBER
MADERA, a Municipal Corporation) 19, 2005 HEARING ON
and Public Entity,) DEFENDANTS' MOTION FOR
Defendant.) SUMMARY JUDGMENT

Defendants' motion for summary judgment is pending in this action and is set for hearing on Monday, September 19, 2005. On August 18, 2005, Defendants filed a motion to disqualify Plaintiff's attorney. Defendants' motion to disqualify is currently set for hearing on Monday, September 26, 2005.

Based on the nature of Defendants' motion to disqualify, it appears to the court that it has no choice but to decide Defendants' motion to disqualify prior to hearing oral arguments on Defendants' motion for summary judgment. As such, the court finds that it must continue Defendants' motion for summary judgment until a date after Defendants' motion to disqualify is heard and ruled on by the court. The parties are informed that the court is willing to hear Defendants' motion to disqualify on an expedited basis if the parties stipulate to an expedited briefing schedule.

1 Accordingly, the court ORDERS that:

2 1. The previously set hearing date of September 19, 2005, is VACATED; and

3 2. The court will re-set the hearing date for Defendants' motion for summary judgment upon

4 receiving a stipulation from the parties agreeing to dates for oral argument on one or both

5 motions. Otherwise, the court will re-set the hearing date for Defendants' motion for

6 summary judgment once the court rules on Defendants' motion to disqualify.

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8 IT IS SO ORDERED.

9 **Dated:** August 29, 2005
10 0m8i78

11 /s/ Anthony W. Ishii
12 UNITED STATES DISTRICT JUDGE

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